REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9-15 are pending, each claim having been added, and Claims 1-8 canceled without prejudice or disclaimer by way of the present amendment.

Claims 1-7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Barton et al. (U.S. Patent No. 6,233,389, hereinafter "Barton"); and Claim 8 was rejected as being obvious over Barton.

In reply, new Claims 9-15 correspond with original Claims 1-8 although the feature of dependent Claim 7 has now been incorporated into independent Claim 9. Dependent Claims 10-15 correspond to original dependent Claims 2-5 and 8. Thus no new matter is added.

With regard to Claim 9, Claim 9 is directed to a tuning device having a tuner unit configured to generate a transport stream from a received service. The tuner unit includes a storage unit for storing at least a partial transport stream generated from the transport stream and outputting the partial transport stream upon request. The tuning device is a stand-alone network device and the storage unit outputs the partial transport stream to a network.

An advantage with the tuning device of Claim 9 is that it offers a network functionality, for example as shown in the non-limiting example of Figure 1 in the present application. By having a stand alone network tuning device, the device is able to receive, split and store or record parts of a video/audio transport stream. Furthermore, the network tuning device allows for the sending of the recorded content in a time shifted manner to network assets. These network assets may be different displays where each display is equipped with a network interface. The displays may then be used to make the receive network data from the network tuning device visible and audible for a human observer.

Furthermore, another advantage of the invention of Claim 9 is that by being a stand alone network device, the network tuning device need not have an image and sound decoder, as these devices may be located at the respective displays.

Comparing Claim 9 with Barton, Barton is directed to a multimedia time warping system that allows a user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program. Barton does not provide network functionality. The outstanding Office Action asserts that (with regard to Claim 7) that Figure 1 in Barton provides this network functionality because as shown in Figure 1 of Barton, an output module outputs a partial transport stream to a TV. Therefore the outstanding Office Action asserts that the connection between the output module and the TV is considered to be a network. Applicants respectfully traverse this assertion.

Barton describes a type of hard disk video recorder that has no network functionality, but instead includes an image and sound decoder which could be connected to a display such as for example a TV set. Moreover, Claim 9 is directed to the tuner unit, which is a stand-alone network device, with a network interface, but not the image and sound decoders as would be the case with Barton. Moreover, Barton does not have a network functionality but instead includes the image and sound decoder that could be connected to any display such as the TV shown in Figure 1 of Barton. Therefore, it is respectfully submitted that Barton does not teach or suggest the tuning device as a stand alone network device as claimed. Rather, Barton discloses a local machine, not a network based machine which allows a particular user to simultaneously watch or review another program (see, e.g., Abstract). As such, it is respectfully submitted that Barton does not teach or suggest all of the features in Claim 9 and therefore does not anticipate Claim 9. Because Claims 10-15 depend from Claim 9 it is respectfully submitted that these claims also patentably define over Barton.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 9-15, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this rejection is therefore requested.

Respectfully submitted,

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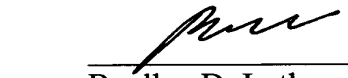

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